

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

QIJUAN LI and BRIAN S.)	
HELMOWSKI,)	
)	
Plaintiffs,)	8:07CV50
)	
v.)	
)	
MICHAEL CHERTOFF, SECRETARY,)	ORDER
U.S. DEPARTMENT OF HOMELAND)	
SECURITY; EMILIO T. GONZALES,)	
DIRECTOR U.S. CITIZENSHIP)	
& IMMIGRATION SERVICES;)	
CAROLINE PRATT, DISTRICT)	
DIRECTOR, U.S. CITIZENSHIP)	
& IMMIGRATION SERVICES FOR)	
OMAHA, NEBRASKA; and ROBERT)	
S. MULLER, III, DIRECTOR OF)	
FEDERAL BUREAU OF)	
INVESTIGATION,)	
)	
Defendants.)	
_____)	

This matter is before the Court on defendants' motion for reconsideration (Filing No. 22). The Court has concluded that courts have jurisdiction at a minimum under the APA because defendants have a duty to process the I-485 application within a reasonable time, as distinct from its discretionary authority of whether to grant or deny the applications. The Court finds such a duty exists, particularly under the facts and circumstances of this case. For these reasons, defendants' motion will be denied. Accordingly,

IT IS ORDERED that defendants' motion for reconsideration is denied.

DATED this 16th day of August, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court